IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.M.JOSEPH

MONDAY, THE 17TH DECEMBER 2007 / 26TH AGRAHAYANA 1929

WA.No. 2970 of 2007

AGAINST THE JUDGEMENT IN WPC.36116/2007 DATED 06/12/2007

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APPELLANT/PETITIONER:

M/S IDEA MOBILE COMMUNICATIONS LTD.,
SECOND FLOOR, MERCY ESTATE,
RAVIPURAM,
KOCHI-682015, REPRESENTED BY ITS
SENIOR MANAGER, SRI.RAMACHANDRAN.C.

BY ADVS. M/S. .SANTHOSH MATHEW &
SRI.SATHISH NINAN

RESPONDENTS/RESPONDENTS:

1. THE DEPUTY CHIEF ENGINEER,
ELECTRICAL CIRCLE,
KERALA STATE ELECTRICITY BOARD,
SHORANUR.

2. THE ASSISTANT ENGINEER
(ASSESSING OFFICER), ELECTRICAL SECTION,
KERALA STATE ELECTRICITY BOARD,
CHERPLACHERRY.

BY ADV. SHRI C.K. KARUNAKARAN, SC, KSEB.

THIS WRIT APPEAL HAVING COME UP FOR ADMISSION ON 17/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, CJ. & K. M. JOSEPH, J.

W.A. NO. 2970 OF 2007

Dated this the 17th December, 2007

JUDGMENT

H. L. DATTU, C.J.

This Writ Appeal arises out of the Order passed by the learned Single Judge in W.P.(C). No.36116/07 dated 6.12.2007.

2. In the Writ Petition filed, the petitioner had called in question the correctness or otherwise of Ext.P3 order issued by the Assistant Engineer, Kerala State Electricity Board dated 27.11.2007 and Ext.P4 demand notice issued pursuant to Ext.P3.

3. If for any reason, the petitioner was aggrieved by the said order, it was for the petitioner to approach the appropriate forum. Without doing so, petitioner could not have rushed to this Court.

4. In that view of the matter, we dispose of the Writ Appeal as under:

Order

1) Petitioner is granted liberty to approach the appropriate forum by way of an Appeal against Ext.P3 order within fifteen days from today.

2) Petitioner shall also deposit fifty per cent of the amount demanded in Ext.P4.

3) If the petitioner files an Appeal and deposits fifty per cent of the amount as aforesaid within the time granted by this Court, the Appellate Authority will proceed to consider the matter on merits without reference to the limitation and also without reference to the observation made by the learned Single Judge in the Writ Petition.

4) The other direction issued by the learned Single Judge for obtaining separate connection, etc. are deleted from the order passed by the learned Single

Judge.

5) We make it clear that we have not pronounced on the requirement of law in this regard.

H.L. DATTU,
CHIEF JUSTICE

K.M. JOSEPH,
JUDGE

kbk.